IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 2021 of 2007(N)

AGAINST THE ORDER IN IA. 1746 /2005 IN OPMV.101/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, VADAKARA

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PETITIONER:

NATIONAL INSURANCE COMPANY LIMITED,
REPRESENTED BY ITS MANAGER,
KOCHI, REGIONAL OFFICE-TP CELL,
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

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1. BHAVADASA MENON, S/O.PANIYATHU
GOVINDANKUTTY MENON, THEKKETHARAVAD DESOM,
THORAVU VILLAGE, PUTHUKKADU P.O.,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. E.MOHAMMED, S/O.ABDU BEARLY,
HOUSE NO.8/18/1262, KARBALA ROAD,
KADROLI, MANGALORE-575 003.

3. K.ABDUL SALAM, S/O.MOHAMMED,
KUNJATHUKALU, (4) P.O.PADA,
PARANGIPET, MANGALORE.

BY ADV. SRI.T.M.CHANDRAN
SRI.V.A.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1- TRUE OCPY OF HTE INTERIM ORDER DATED 5-2-96 PASSED BY THIS HON'BLE COURT IN CMP 509/96 IN MFA 122/96 FILED BY HTE PETITOENR/INSURER.

EXT.P2- TRUE COPY OF HTE MEMO DATED 5-3-96 FILED BY THE PETITIONER BEFORE THE MACT VADAKARA, EFFECTING THE DEPOSIT OF RS.1 LAKH TOWARDS THE AWARD AMOUNT, IN COMPLIANCE WITH THE EXHIBIT P1 ORDER.

EXT.P3- TRUE COPY OFH TE JUDGMENT DATED 7-4-03 PASSED BY THIS HON'BLE COURT IN MFA 122/96.

EXT.P4- TRUE COPY OFHTE FORWARDING LETTER DATED 30-10-03 ISSUED BY HTE PETITIONER, EFFECTING THE BALANCE DEPOSIT.

EXT.P5-TRUE COPY OF HTE NOTICE DATED 4-7-05 ISSUED BY HTE MACT, VADAKARA IN IA 1746/05 IN OP(MV) 101/95 ALONG WITH THE COPIES OF THE PETITION AND CALCULATION STATEMENT FILED BY HTE CLAIMANT.

EXT.P6- TRUE COPY OF HTE COUNTER STATEMENT ALONG WITH THE CALCULATION STATEMENT FILED BY HTE PETITIOENR IN THE ABOVE IA.

EXT.P7- TREUC OPY OF HTE ORDER DATED 29-3-2006 PASSED BY HTE MACT, VADAKARA IN THE ABOVE IA 1746/05 IN OPMV 101/95 .

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.2021 of 2007

Dated this the 12th day of April, 2007

JUDGMENT

The point raised by the petitioner is covered by the decision in **Oriental Insurance Co. Ltd. Vs. Nirmala (2007 (1) KLT 38)**. The petitioner has got a further grievance that interest on interest has been computed which is not permissible. If the said allegation is correct, the petitioner may bring it to the notice of the M.A.C.T., Vadakara by filing a petition. In that event, the Tribunal will look into it.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS